G.R.S. IX—5j

Rise

Previous references 1922-3 (Jmuz.) **File No.** 638 - 21

Serial Nos. 5 & 6

Later references.
mug 262-23-(1-2)

GENERAL AND REVENUE SECRETARIAT.

Serial Nos 2 to

Part B for May 1923

SUBJECT

Code Panel re the transfer of Revenue Cases to Lucknow & Purohit Dallan Bhatta Civil appeal Lucknow HC

---

re Prohibition Lucknow & Purohit Dallan Bhatta
No 1752 of 1923
Rec 17 21 6
h in re jurisd.
re f this Court: Concern in high-
No 868 of 1923.

G. R. S. III—1] 1922.

GENERAL AND REVENUE SECRETARIAT.

(Jmz.)

NOTES.

File No.

FILE HEADING.

Review application of Linga Jois and Purohit Dattam Bhatta of Shirarpur, Shimoga Dist.

From

Linga Jois and Dattam Bhatta-

No. Petition Dated Received 19.4.23

Diary No.	Enclos.	Spare Copies.	Serial No.
1992	1	—	

BRIEF ABSTRACT OF LETTER.

Pray for a re-consideration of G O no. 1528 Dy 13-10-22 rejecting their appeal, claiming the right to offer worship to the deity in the Kucharaya Swami temple at Shirarpur on the car-festival and other Hereditable occasions.

The petition is duly stamped. In the Carapara memo, the petrs have stated that their right is in

NOTES AND ORDERS.

NOTES—First Sheet.

G. R. S. III-2.

General and Revenue Secretariat.

Mtg File No. 638 of 1921

Serial No

Mtg 7. No 638 21 ii S/1/4.

The facts of the case are in detail in the office-note of the Collection.

After obtaining the opinion of the Agamikas, the appeal of Linga Jois and Dattara Bhatta claiming the right to offer Archas in the car-festival and other Hetehukatte occasions in the Sri Hucharaya Swamis temple has been rejected by the Member, rejected in G.O. No 1528 Dy 13-10-20 - They pray for a re-consideration of the foregoing order - No fresh grounds have been urged for a re-consideration.

Submitted.

23/4/23

20/4/23

May be rejected.

First Member 28/4/23

NOTE—Contn. sheet.

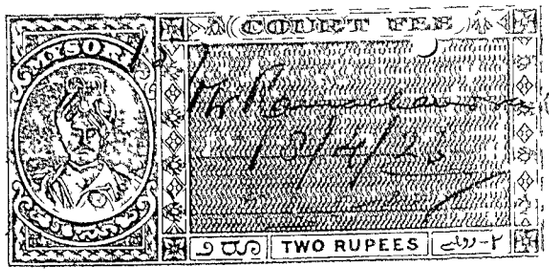
P.T.O.

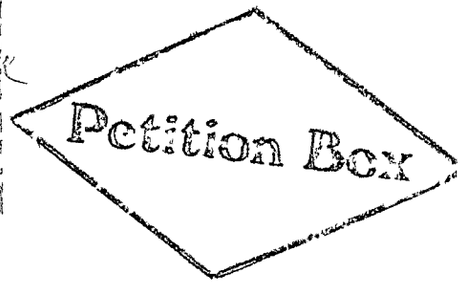
G. R. S. III-21

General and Revenue Secretariat. | File No. 638 of 19 21

Serial No.	
8726-75-2 24.4.23	I agree Secy 25.4.23
	[illegible]
	[illegible]
	[illegible] 25/4/23 [illegible]
6	No 275 [illegible] [illegible] Secy. Rejects [illegible]

NOTE—Contn. sheet.





BEFORE THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE, BANGALORE. GENERAL & PUBLIC DEPARTMENTS.

Muzrai Petition No. 4071.

Review Petition No. of 1920-23.

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1. Linga Joyisa.
2. Purohit Dattambhatta both residing in Shikarpur, Kasaba, Shimoga District. .. Petitioners.

- VS -

Dhoopadahalli Archek Sreenivasa Poorthyachar, minor by guardian Narasimha Char. .. Opponent.

The petitioners abovenamed beg to present this Review Petition humbly praying that this Hon'ble Government may be pleased to review their Decision passed as per Order No. 1528 Muzrai 635-21-4 dated the 17th October 1922 in respect of the right of the petitioners to perform worship on hechchukatle occasions on the following grounds:-

1. That on hechchukatle occasions the petitioners and their ancestors have been from time immemorial enjoying the huk of worshipping God Sri Hok Kutche rayaswami in Shikarpur and the opponent's ancestors were enjoying the right of worshipping the said God daily except on the aforesaid occasions.

2. That this practice or namul has been going on for upwards 70 or 80 years has been established by the

Taluk records and other unimpeachable evidence and that this is so is found as a fact by the Learned Deputy Commissioner also.

3. That for the first time in 1916 the opponent raised a false takarar at the instigation of some mischievous people in the locality alleging that the petitioners had wrongfully usurped the function of performing worship on 'hachchukatle' occasions some 2 years previous to the complaint, that he must be allowed to offer the worship on such ceremonial occasions and that the present petitioners should be ordered to stop performing the worship on such occasions.

4. That on the complaint as presented by the opponent before the Taluk and District Muzrai Authorities, the only question was whether the petitioners were performing worship on ceremonial occasions as per mamul or whether they had excluded the opponent from and taken up the work of worship on ceremonial occasions two years previously as alleged. The parties' attention having been directed only to this point the petitioners established their own enjoyment of the said right and the opponent's allegation was found to be false.

5. That the learned Deputy Commissioner after finding that the petitioners were in the enjoyment of the said right, suo moto, took up a new point not put forward by any of the parties to the dispute, did not hold any enquiry or give an adequate opportunity to either of the parties to remove his doubts on the said point and erroneously held that even if the petitioners were in the habit of performing such worship, they should not be allowed to continue the same.

6. That the petitioners who had appealed from the said order of the Deputy Commissioner through their counsel were not heard in person or through their counsel

and this has prejudiced the petitioners considerably and has also resulted in the failure of justice.

7. That this Hon'ble Government have in their Endorsement stated, that in the Sri Hulu Arch of the temple the worship was according to Agama rites but this was a point on which there was absolutely no material before Government to base their findings on. Further, the Deputy Commissioner's opinion on the point had no basis whatever and no evidence was taken on the any enquiry held on that matter. The mamul prevailing in the said temple clearly points to the contrary. Moreover, a Sathani (Samaraya) man touches the idol, decorates, receives offerings on behalf of the deity in the Archaka's absence and removes the clothes from the idol in the eveinings. During the Portuguese, it has been the practice for people of other castes to touch the God and offer receive offerings from devotees of such castes till the evening. All these facts which are beyond dispute and which even an ordinary enquiry would suffice to establish, show that the ritual to be observed or in vogue in this Temple is not Agamaic and that so far as this Temple is concerned the old mamul form of worship was peculiarly suited to the religious sentiments of the devotees of the said temple.

8. That the petitioners humbly submit that it is extremely hard and unjust that they should be deprived of their right to worship the said God on ceremonial occasions without giving them an opportunity of establishing that the system of worship in the said temple was not Agamaic and that the petitioners' performing the worship as per mamul is neither non-shastraic nor opposed to the religious sentiments of the devotees of the said temple.

9. That the genuineness of the order dated 12th April 1940 has not been established and even if it is assumed to be genuine, the subsequent and uninterrupted exist-

of the practice, viz., the performance of worship by the eldest son for over 70 years is sought to discard the said order not being [illegible] for the first time.

10. That the order of the Hon'ble Government has been passed on a wrong basis and there is no material to show, the petitioners ought to have been given an opportunity to show that the practice in vogue in the said temple at the present order should be re-considered as a result of such enquiry.

11. That petitioners further submit that it is highly equitable that in the matter of deprivation of hereditary rights they should be given a proper opportunity to address the Government and put forward their case properly before Government or the subordinate Revenue authorities of the

12. That the order of the Hon'ble Government requires re-consideration.

Therefore the petitioners most humbly pray that this Hon'ble Government may be pleased to reconsider their decision on the aforesaid grounds and pass suitable orders after directing an enquiry by the subordinate authorities in respect of the form of worship which is in vogue in the said temple.

The petitioners submit that they applied for a copy of the order on 16-12-1922 as soon as they became aware of it and got it on 29-1-1923. They pray that the delay in furnishing them with a copy may be excluded in calculating the time for review.

Bangalore.
18th April 1923.

K. Ramachandra Rao
K.R Sethu Rao
Advocates for petitioners.

fore the Government of His Highness
the Maharaja of Mysore
Bangalore.
General and Revenue Departments.

~~Chief Court of Mysore, Bangalore.~~
ujrai ~~Reference~~ Petition No 4071
riew Petition NO. OF 1922—1923.

Petitioners ~~Appellant~~.

1. Linga Joisa
2. Purohit Dattambhatta
both residing in Shikarpur
Kasaba, Shimoga District

Vs.

opponents ~~Respondent.~~

1 Dhoopadahalli Archek
Sreenivasachar Moorthyachar
minor by guardian Narsimhachar

VAKALATNAMA

executed by the petitioners in favour of

Mr. M. RAMACHANDRA RAO, B. A., B. L.,
ADVOCATE & HIGH COURT VAKIL.
K. R. Sethu Rao BA, BL and M. Sheshadri BA, LLB, advocates

We hereby empower the said advocate, in person or by proxy, on my/our behalf, to appear in, and conduct the above case, as well as any proceedings arising out of and connected with the same, to compromise the same, and to do all such acts as may be proper and necessary for the due conduct thereof, including the signing and presentation in Court of the necessary petitions and papers.

And We further authorize the said advocate to receive, and give receipts for, any money, document, or other moveable property that is or may become, payable or deliverable to me/us in the course of the said case or proceedings.

Bangalore,
19

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I know the executant who has signed before me.

Advocate.

Accepted.

K R Sethu Rao.
Advocates for

Muz 4]

SUBJECT ....

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Diary No. of letter replied to _____

Section

File No.

Serial No.

Muzrai Secretariat

( )

, the *192* .

No. 2757

Date of issue 1.5.23

To

Signed by Sd T.E.J. Mijau

over.

Rejecting their appeal-
ants claiming that
the Patent Office has
the right
[illegible]

[illegible]

Also the invention
enclosed but there
are two prior specifications
of the same [illegible]
petition is accordingly
rejected.

List of enclosures

Copied by

Examined by

WD 0563—GPB—2 500—27/4/22

Rec'd 28 APR 1922

28/4/22

G. R. S. G/33]

GENERAL AND REVENUE SECRETARIAT.

(Continuation sheet draft form.)

2758.
1.5.23

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